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Attorneys for Defendant:  
*Honest Tea, Inc.*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

SCOTT WITTHOFF, an individual, on behalf  
of himself, the general public and those  
similarly situated,

Plaintiff,

v.

HONEST TEA, INC.; AND DOES 1  
THROUGH 50

Defendants.

CASE NO. CV-10-05442 (SBA)

**JOINT STIPULATION AND ORDER TO  
EXTEND TIME TO MOVE TO REMAND  
AND TO FILE AMENDED COMPLAINT  
BY FOUR DAYS**

This stipulation is between Plaintiff SCOTT WITTHOFF (“Plaintiff”) and Defendant  
HONEST TEA, INC. (“Defendant”). The parties have agreed as follows:

WHEREAS, on October 29, 2010, Plaintiff filed a class action complaint in San Francisco  
Superior Court;

WHEREAS, on December 1, 2010, Defendant removed Plaintiff’s class action complaint  
to this Court (Dkt.# 1);

1 WHEREAS, on December 8, 2010, Defendant filed an answer to Plaintiff's complaint  
2 (Dkt. #5);

3 In its notice of removal, Defendant argued that this Court has jurisdiction under the Class  
4 Action Fairness Act because the parties are diverse and there is more than \$5 million in  
5 controversy;

6 Plaintiff has stated that he intends to file an amended Complaint that will clarify that he is  
7 seeking on behalf of himself and a putative class a total of less than \$5 million in damages, and  
8 proposed that Defendant stipulate to a remand of this action to state court;

9 Plaintiff provided a draft amended complaint and proposed stipulation to remand this  
10 action to state court to counsel for Defendant on December 29, 2010;

11 The current deadline for Plaintiff to file a motion for remand pursuant to 28 U.S.C. §  
12 1447(c) and to file an amended complaint pursuant to Fed. R. Civ. P. 15(a) is Monday, January 3,  
13 2011.

14 So that the parties may attempt to reach a stipulated agreement concerning remand and an  
15 amended complaint, and in light of the unavailability of the principals of Defendant Honest Tea to  
16 review Plaintiff's proposed amended complaint and proposed stipulation for remand before  
17 January 3, 2011 during the present holiday schedule, the parties jointly stipulate to and request that  
18 the Court order that Plaintiff's deadlines for filing a motion to remand pursuant to 28 U.S.C. §  
19 1447(c) and to file an amended complaint pursuant to Fed. R. Civ. P. 15(a) be extended by four  
20 days, up to and including Friday, January 7, 2011.

21 Neither party has previously requested an extension of time for this or any other deadline  
22 in this action.

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1 NOW THEREFORE, THE PARTIES STIPULATE AND AGREE TO THE  
2 FOLLOWING:

3 (1) Plaintiff's deadline to move to remand this action to state court, pursuant to 28  
4 U.S.C. § 1447(c) shall be extended from Monday, January 3, 2011 up to and including  
5 Friday, January 7, 2011.


6 (2) Plaintiff's deadline to file an amended complaint pursuant to Fed. R. Civ. P.  
7 15(a) shall be extended from Monday, January 3, 2011 up to and including Friday, January  
8 7, 2011.

9 DATED this 30th day of December, 2010

10 /s/ Seth Safier  
11 Seth Safier (SBN: 197427)  
12 **GUTRIDE SAFIER LLP**  
13 835 Douglass Street  
14 San Francisco, California 94114  
15 Telephone: (415) 336-6545  
16 Facsimile: (415) 449-6469  
17 Attorney for Plaintiff

18 /s/ Forrest A. Hainline III  
19 Forrest A. Hainline III (SBN: 64166)  
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23 San Francisco, California 94111  
24 Tel.: 415.733.6000  
25 Fax: 415.677.9041  
26 Attorneys for Defendant  
27 *Honest Tea, Inc.*

28 IT IS SO ORDERED this \_5th day of January, 2011.

29   
30 The Honorable Sandra B. Armstrong  
31 United States District Judge

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**ATTESTATION OF SIGNATURE**  
**(N.D. Cal. General Order No. 45)**

Pursuant to N.D. Cal. General Order No. 45 § X(B), I hereby attest under penalty of perjury that concurrence in the filing of this document has been obtained by all the signatories.

Dated: December 30, 2010

By: /s/ Forrest A. Hainline III  
Forrest A. Hainline III

**PROOF OF SERVICE**

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 30th day of December, 2010.

/s/ Forrest A. Hainline III  
Forrest A. Hainline III

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